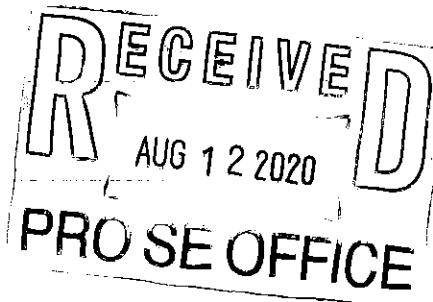


UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

MAHMUD ABOUHALIMA,
plaintiff

UNITED STATES OF AMERICA,
Respondant



Case Number: 1: (S5) 93-CR-180-003 (LAK)

District Court No: 20-civ-834 (LAK)

MOTION TO ALTER OR AMEND

THE JUDGMENT PURSUANT TO RULE 59(e) Fed. R. Civ. P.

Comes now, movant, Mahmud Abouhalima -Pro se- File this motion as a follow up to his early motion to alter or amend this court Amendment Judgment pursuant to Rule 59(e) Fed.R. Civ. P. and state the following:

- 1- On June 18, 2020 Judge Lewis A. Kaplan D.J. issued his memorandum and order in the above mentioned case granting movant 2255 motion to dismiss count ten and denied count nine and denied movant certificate of appealability Doc. # 8
- 2- On July 9, 2020 Movant received copy of the court memorandum and order Doc.#8 and On or about July 13, 2020 movant Filed his motion to alter or amend the Judgment pursuant to rule 59(e) F.R.Civ.P requesting the Court to amend the Judgment as to count nine no longer carry the 30 years

mandatory sentence and to reflect the changes congress made in the 18 U.S.C. 924(c)(1)(C) of title IV section 403(a) of the First Step Act of 2018. DDC # 9.

3- On July 27, 2020 Movant received copy of this court Amended Judgment that was signed by Honorable Lewis A. Kaplan on 7-16-2020 and as expected the court imposed a sentence of total term of 940 months. However, when it comes to the Fine and restitution the court did confirm the same criminal monetary Penalties as in the original Judgment in 5/24/1994 without any mention of the United States Court of appeals for the second circuit Judgment on August 6, 2001 restricting the payment of the Fine and restitution under certain conditions, U.S. v. Salameh 261 Fed.3d 271 (2001)

4- The court of appeal for the second circuit in its August 6, 2001 ruling on movants' appeal of Judgment stated, among other things, in relation to the Fine and restitution :

"In this Court, the Parties have stipulated that the entire amount of both the Fine and the restitution should, in conformity with Judge Duffy's oral pronouncements, be made contingent upon the realization of future earnings from media contracts and that, in the absence of such earnings, defendants will not require to pay any Fines or restitution, even though they may have minor earning from other sources such as Prison wages. We accept that stipulation and affirm the district court's imposition of a \$ 250,000 fine and \$ 250 million in restitution, but modify the Judgment so that each defendant's Fine and restitution obligation come due only if he receive income from the sale of his account of the world Trade Center bombing or of the events leading up to it," U.S v. Salameh 261 F.3d 271 (2nd Cir. 2001)

5 This entire Proceeding that started in June 2016 after movant's Filing his Petition to the U.S. Court of appeals for the second circuit seeking Permission to File his second successive 2255 motion in this court and the Filing of the 2255 motion in this Court was based solely on dismissing count nine and ten in Movant's indictment and has nothing to do with anything else including Fine or restitution as it was affirmed and modified by the Court of appeal for the second circuit in August 6, 2001

6 Movant request that this court modify its' amended Judgment on 7/16/2020 to reflect the Court of appeals for the second circuit ruling modifying the Fine and restitution to be paid only under the condition articulated in Point # 4--

7. Movant's also seeks all other relief that this Court Finds appropriate and Just --

August 3rd, 2020

Date

Abouhalima

Mahmud Abouhalima
Reg No. 28064-054
U.S. Penitentiary- max
P.O. Box 8500
Florence, CO 81226

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was provided to Bop staff to be sent via USPS outgoing mail pursuant to the "Prison Mailbox Rule," to the United States District Court for the southern District of New York, Attn: Clerk of the Court. A copy of the foregoing Document was also sent to the United States Assistant Attorney's office For the southern District of New York --

AUGUST 3rd, 2020
Date

Abouhalima

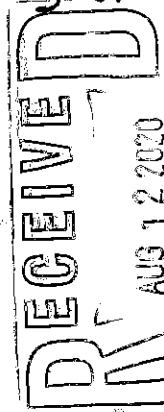
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United States District Court
Southern District of New York
500 PEARL Street



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